

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MIGUEL AGUI, ALEXANDER REYES, AND
JAMES GIPSON, individually and on behalf of
all other persons similarly situated,

Plaintiffs,

v.

T-MOBILE USA, INC. and John Does #1-10,
jointly and severally,

Defendants.

ECF Case

No. 09-cv-02955-RJD-RML

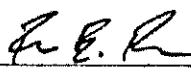
**STIPULATION OF DISMISSAL
WITH PREJUDICE**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), it is hereby stipulated and agreed, by and between the undersigned attorneys of record, that this action shall be dismissed with prejudice, with each party to bear its own attorneys' fees and costs. The Court has reviewed *in camera* the parties' confidential settlement agreement, including its provision for resolution of Plaintiff's claims pursuant to 29 U.S.C. §§ 201 *et seq.*, and determined that the agreement is fair and reasonable. The settlement agreement shall be maintained in the Court's files under seal.

SO STIPULATED:

PELTON & ASSOCIATES, PC
Attorneys for Plaintiffs

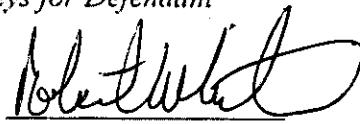
By:


Brent E. Pelton

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New York, New York 10006
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SEYFARTH SHAW, LLP
Attorneys for Defendant

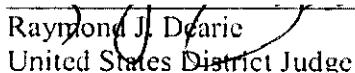
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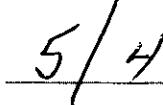

Robert S. Whitman

620 Eighth Avenue
New York, New York 10018
Tel: (212) 218-5629

SO ORDERED:

s/ Judge Raymond J. Dearie


Raymond J. Dearie
United States District Judge

Date: , 2010